

REMARKS

Claims 1, 3-8 and 10-11 remain in the application. Claim 1 is in independent form.

Claims 2 & 9 are canceled, and Claim 12 is withdrawn from consideration.

The Applicant respectfully requests entrance of these remarks to refute certain statements appearing in the Final Rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 3-6 and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Maughan (US 6,042,293) in view of Gunn et al. (US 5,112,153) and Graham et al. (US 2,635,906).

The Applicant wishes to refute comments appearing on Pages 7-8 of the Final Rejection which are believed to inaccurately interpret the Gunn et al. reference. Reference is made specifically to the Final Rejection, pg. 7, last paragraph, "*Further, as clearly stated in the abstract at lines 17-19, the one-piece bearing can be made from metal bearing material or a plastic bearing material.*"

For comparison, the actual lines 17-19 of the abstract in Gunn et al. are reprinted below:

bracket. The bearing socket can be one or two pieces and can be made from metal bearing material or a plastic bearing material. The method of assembling the joint

The Applicant contends, with all due respect, that Gunn does not actually teach that the "one-piece bearing can be made from metal" as presumed in the Final Rejection. An un-biased reading of Gunn et al. (i.e., one not influenced by hindsight of the Applicant's claimed invention) reveals that Gunn's bearing socket is proposed in several different embodiments which include a

two-piece design 32, a one-piece design 32' (as shown in Figure 6), or a two-piece design 32''.

The Abstract of Gunn et al. does indicate that the composition of the bearing socket can be metal or plastic, however it does not teach that the one piece design (32') can be either plastic or metal.

Considerable light is shed on this issue throughout the specification of Gunn et al. For example, Gunn et al. at Column 4, lines 25-27 state:

FIG. 6 is a detail view showing a one-piece split bearing socket embodiment which can be used with plastic bearing material;

This passage in Gunn teaches that the one-piece embodiment (32') shown in Figure 6 is made of plastic. It does not suggest or imply that a metal composition for the Figure 6 embodiment would be acceptable.

Gunn et al. at Column 5, lines 5-11 are particularly clear:

A suitable material for bearings 32 and 32'' is metal bearing material such as sintered bronze, whereas the bearing shape 32' with one split piece is the contemplated preferable configuration which can be made from a glass fiber, teflon filled nylon bearing, which, if desired, can also be used as the material for the two piece bearing parts of bearings 32 and 32''.

In this passage, Gunn teaches that the two-piece embodiment (32 and 32'') could, alternatively, be made of plastic. Contrary to arguments advanced in the Final Rejection, however, there can not be found within the four corners of Gunn et al. any suggestion that the one-piece embodiment (32') could alternatively be made of metal.

In yet another passage, Gunn et al. describes the necessity for plastic as used in the one-piece split design (32') in Column 6, lines 15-21:

The spherical socket bearing 32' is one piece and is made from plastic so it can be assembled onto the ball head of the stud by simply pressing and snapping the ball end of the stud into the bore

of the split bearing ring which being made from plastic has elasticity and can spread apart to receive the ball. Further steps in completing the assembly are described above.

The rejection of Applicant's Claim 1, based on a presumption that Gunn et al. teaches or suggests a metal one-piece split bearing is not supported by a plain reading of Gunn's specification.

The Applicant respectfully requests reconsideration by the Examiner of the rejection of Claim 1 based on a weak interpretation of Gunn et al. in the matter of its one-piece split bearing (32') composition.

Concluding Remarks

Reconsideration of this application in view of the preceding remarks is respectfully requested.

Further and favorable action is requested.

The Patent Office is authorized to charge any fee deficiency or refund any excess to Deposit Account No. 04-1061.

Respectfully submitted,

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